

making of reports and disbursing of all funds and the purposes for which said funds may be disbursed; providing for the disposition of all fees collected by officers; making an appropriation; providing the effective date of this Act, repealing all laws inconsistent with the provisions of this Act, declaring the policy and intention of the Legislature relative thereto, and declaring the Act to be severable; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Vice Chairman.

Committee Room,

Austin, Texas, Oct. 23, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 15, A bill to be entitled "An Act to amend Article 2785 Revised Civil Statutes of Texas of 1925, so as to provide that notices of election shall be posted for ten (10) days, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on State Affairs, Held Oct. 23, 1935.

Called Meeting.

Present: Blackert, Cotten, DeBerry, Hopkins, Hornsby, Isbell, Martin, Moore, Oneal, Rawlings, Shives, Small, Stone and Sulak.

Absent: Collie and Redditt.

Absent—Excused: Fellbaum, Holbrook, Pace and Regan.

S. B. No. 5 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

ELIZABETH SUITER, Secretary.

Minutes of Committee on Education, Held Oct. 23, 1935.

Called Meeting.

Present: Cotten, DeBerry, Hopkins, Hornsby, Pace, Poage, Regan,

Small, Woodruff, Burns, Neal, Nelson and Isbell.

H. B. No. 15 was reported favorably and be not printed.

EDITH GREEN, Secretary.

SIXTH DAY.

Senate Chamber,

Austin, Texas,

October 25, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. W. R. Poage.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Blackert.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

S. C. R. No. 2.

Whereas, The Old Age Pension Legislation being considered by the Second Called Session of the Forty-fourth Legislature is one of the most important problems ever to be considered, and

Whereas, The Federal Government by virtue of the Social Security Act passed by the last Congress of the United States will cooperate and assist the several States with their Old Age Pension Legislation only in the event such State Legislation is approved by the Social Security Board, and

Whereas, It is necessary that the State Legislature conform with the provision of the Social Security Act and meet with the direct approval of the Social Security Board before Federal financial assistance will be tendered the State of Texas, and

Whereas, It is impossible to obtain approval of contemplative legislation on this topic adequately without direct contact, and

Whereas, The State Act will embody an appropriation of not less than \$6,000,000, and

Whereas, There exists an imperative necessity that Old Age Pension Legislation enacted by this session of the Legislature of the State of Texas be in conformity with the Social Security Act and meet with the approval of the Social Security Board.

Now, Therefore, Be It Resolved by the Senate the House of Representatives concurring in this the Second Called Session of the Forty-fourth Legislature that the President of the Senate be authorized to appoint one member of the Senate and the Speaker of the House be authorized to appoint one member of the House of Representatives as a committee to confer immediately with the Federal Social Security Board and other authorities in Washington relative to Old Age Pension Legislation Federal approval and requirements as well as the amount of support that may be expected or entertained and report back to the Forty-fourth Legislature its findings not later than seven (7) days from the effective date of this resolution and that the sum of \$500.00 or so much thereof as may be necessary be appropriated, out of the contingent expense fund of the Second Called Session of the Forty-fourth Legislature to defray expenses incurred.

SHIVERS.

Read.

Senator Shivers moved to suspend the rule requiring resolutions be referred to a committee.

The motion lost by the following vote:

Yeas—5.

Burns.	Shivers.
Hopkins.	Stone.
Redditt.	

Nays—17.

Beck.	Nelson.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Sanderford.
Hill.	Small.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Neal.	

Present—Not Voting.

Blackert.

Absent.

Davis.	Oneal.
Martin.	

Absent—Excused.

Fellbaum.	Regan.
Moore.	Westerfeld.
Rawlings.	

S. C. R. No. 2 was referred to the Committee on Finance.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor, with the following message:

Executive Office,

Austin, Texas, Oct. 25. 1935.

To the Senate of the Forty-fourth Legislature, In Second Called Session:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To Be Notary Public in and for Brown County, Texas:

Joe Cauthorn, CCC Co. 3818, of Brownwood, Brown County, Texas.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 25, 1935.
Hon. W. R. Poage, President Pro
Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 26, A bill to be entitled "An Act creating a System of Old Age Assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission, etc., and declaring an emergency."

H. B. No. 57, A bill to be entitled "An Act fixing the compensation of district attorneys in judicial districts composed of two or more counties; providing that this Act shall not deprive such district attorneys of their expense allowances; providing for the disposition of fees; commissions and perquisites earned and collected by such district attorneys; etc., and declaring an emergency."

H. C. R. No. 1, Proposing an amendment to the joint rules of the House of Representatives and Senate.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolution Referred.

H. B. No. 26 was read and referred to the Committee on Finance.

H. B. No. 57 was read and referred to the Committee on State Affairs.

H. C. R. No. 1 was read and referred to the Committee on Rules.

Senate Bill No. 8.

By Senator Woodruff:

S. B. No. 8, A bill to be entitled "An Act to amend Section 9, S. B. No. 19, First Called Session, Forty-fourth Legislature, and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 5.

Pending business was S. B. No. 5, Senator Davis was recognized on his pending amendment.

Senator Davis moved the adoption of the substitute amendment.

Senator Woodruff sent up the following substitute for the amendment by Senator Davis, et al.

Amend S. B. No. 5 by striking out paragraphs 1, 2, 3, 4, 5 and 6 of Section 15, page 6, and inserting in lieu thereof the following:

"(1). In counties containing twenty thousand (20,000) inhabitants or more and not more than twenty-five thousand (25,000) inhabitants, county judge, sheriff, county clerk, and assessor and collector of taxes, three thousand (\$3,000.00) dollars per year each; the district clerk, eighteen hundred (\$1800.00) dollars per year; the county attorney in counties having a district attorney, eighteen hundred (\$1800.00) dollars, and where there is no district attorney as provided in Section 13 of this Act.

(2). In counties containing as many as twenty-five thousand (25,000) inhabitants and not more than thirty-seven thousand five hundred (37,500) inhabitants, county judge, sheriff, county clerk and assessor and collector of taxes, thirty-five hundred (\$3500.00) per year each; district clerk, twenty-one hundred (\$2100.00); county attorney, in counties having a district attorney, twenty-four hundred (\$24,000.00) dollars, and where there is no district attorney as provided for in Section 13 of this Act.

(3). In counties containing not less than thirty-seven thousand five hundred one (37,501) and not more than sixty thousand (60,000) inhabitants, county judge, sheriff, county clerk, and assessor and collector of taxes, thirty-seven hundred fifty (\$3750.00.00) dollars per year each; district clerk, twenty-four hundred (\$2400.00) dollars per year; county attorney in counties having a district attorney three thousand (\$3000.00) dollars per year, and in counties having no district attorney as provided in Section 13 of this Act.

(4). In counties containing not less than sixty thousand one (60,001) and not more than one hundred twenty-five thousand (125,000) inhabitants, county judge, sheriff, county clerk, and assessor and collector of taxes, forty-two hundred (\$4200.00) dollars per year.

each; district clerk, three thousand (\$3,000.00) dollars; county attorney in counties having a district attorney thirty-six hundred (\$3600.00) dollars per year; and in counties having no district attorney as provided in Section 13 of this Act.

(5). In counties containing not less than one hundred twenty-five thousand one (125,001) and not more than one hundred fifty thousand (150,000) inhabitants, county judge, sheriff, county clerk, assessor and collector of taxes, forty-eight hundred (\$4800.00) dollars per year each; district clerk, thirty-three hundred (\$3300.00) dollars per year; county attorney in counties having a district attorney, thirty-six hundred (\$3600.00) dollars per year, and in counties having no district attorney as provided for in Section 13 of this Act.

(6). In counties containing not less than one hundred fifty thousand one (150,001) or not more inhabitants, county judge, sheriff, county clerk, and assessor and collector of taxes, fifty-four hundred (\$5400.00) dollars per year each; district clerk, four thousand (\$4,000.00) dollars per year; county attorney in counties having a district attorney four thousand (\$4,000.00) dollars, and in counties having no district attorney as provided for in Section 13 of this Act.

Provided, however, that the salaries above provided for shall be and become effective at the expiration of the terms of the respective officers holding office at the time this Act goes into effect. During the remainder of the term of each elective officer of this State now in office, where said term does not expire on, or before, January 1, 1936, the salaries and compensation of said officers shall be ninety per cent (90%) of the compensation earned, elected, and obtained by such officer for the fiscal year ending December 31, 1935. At the expiration of the term of office for which any officer in this State now in office was elected, such officer or his successor in office shall be paid as provided for in sub-Section 1-6, inclusive. The Commissioners' Court shall determine the amount of compensation earned, collected, and re-

tained by each such officer for the fiscal year ending December 31, 1935, and shall enter such findings in the minutes of said court and notify the officer of its findings in regard to the fixing of his salary as herein and above provided.

WOODRUFF.

Read.

Pending.

S. C. R. No. 3.

Senator Hornsby received unanimous consent to send up the following resolution:

Whereas, The State of Texas has instituted suit in the District Court of Travis County, Texas, in cause Number 54,902, to recover for the public domain 767 acres of land in Montgomery County; and

Whereas, A portion of said land was for many years the homestead of Elias Philgreen and Wife Mary Crim Philgreen, now deceased, and the same vested in their heirs, but the State has not made said heirs parties to said suit; and

Whereas, Said heirs desire to set up their rights, if any, in and to said lands and to prosecute a suit of intervention in said pending suit in the District Court of Travis County, Texas; and for the purpose of doing so desire the consent of the State to sue the State to determine the amount of their interest and the amount of their damages, if any; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the true and legal heirs of the said Elias Philgreen and wife Mary Crim Philgreen, deceased, be, and they hereby are, granted permission of the State of Texas to sue the State of Texas upon said claim in any court of competent jurisdiction, and that it be and it hereby is expressly provided that said consent hereby given extend to the prosecution of their intervention in the pending suit in District Court of Travis County wherein the State is party plaintiff to recover lands of which said heirs claim a portion; and that any judgment recovered in any suit by said heirs be satisfied by a proper award in and to the land sued for in accordance with their interests therein shown including a prior right to purchase a one-half of the mineral rights of the

same, as well as said land, should the same be shown to be public domain, by reason of their being prior claimants in possession, if such be found to be the case.

HORNSBY.

Read and referred to the Committee on Civil Jurisprudence.

Motion to Recess.

Senator Shivers at 12:10 o'clock p. m., moved that the Senate recess until 2:00 p. m.

Motion pending.

Senator Shivers yielded to Senator Woodruff, who received unanimous consent to send up the committee report of S. B. No. 8.

Senate Bill No. 8.

Senator Woodruff moved to suspend the rule requiring committee reports to lie over one day.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The Chair laid before the Senate S. B. No. 8.

By Woodruff:

S. B. No. 8, A bill to be entitled "An Act to amend Section 9, Senate Bill No. 19, acts First Called Session, Forty-fourth Legislature, and declaring an emergency."

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 8 was put on its second reading by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 8 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Hornsby.	Shivers.
Isbell.	Stone.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Nays—1.

DeBerry.

Absent.

Blackert.	Moore.
Hill.	Small.
Holbrook.	Sulak.
Hopkins.	

Absent—Excused.

Fellbaum. Regan.

Recess.

The Senate recessed at 12:20 o'clock p. m., until 2:30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess and was called to order by President Pro Tem. W. R. Poage.

Senate Bill No. 5.

Pending business was S. B. No. 5. The pending substitute by Senator Woodruff was lost by the following vote:

Yeas—5.

Beck.	Van Zandt.
DeBerry.	Woodruff.
Poage.	

Nays—18.

Burns.	Nelson.
Collie.	O'neal.
Cotten.	Pace.
Davis.	Rawlings.
Hornsby.	Sanderford.
Isbell.	Shivers.
Martin.	Small.
Moore.	Stone.
Neal.	Sulak.

Absent.

Blackert.	Hopkins.
Hill.	Redditt.
Holbrook.	Westerfeld.

Absent—Excused.

Fellbaum.	Regan.
-----------	--------

The question recurred on the amendment by Senator Davis.

Senator Davis withdrew his amendment to S. B. No. 5.

Senator DeBerry sent up the following:

Amend S. B. No. 5, page 5, line 17 by striking out the words "or was not allowed or predetermined as herein set out."

DeBERRY.

Read and adopted.

Amend S. B. No. 5, line 24, page 5, by adding between the words "any" and "officer" the word "peace".

DeBERRY.

Read and adopted.

Amend S. B. No. 5, page 5, line 45, by striking out the following words: "allowed by the Commissioners Court."

DeBERRY.

Read and adopted.

Amend S. B. No. 5, page 2, Section 5, line 43, by changing the period to a semi-colon and adding the following: "provided further that the Commissioners Court may, by order duly entered in the minutes of any meeting, release any officer from the duty and responsibility of collecting any fee or fees which such Court feels are not collectible."

DeBERRY.

Read and pending.

Senator Collie sent up the following substitute for DeBerry amendment and to Section 5 of the bill:

Sec. 5. It shall be the duty of all officers to charge and collect all fees and commissions accruing to their office as and when such fees, commissions and costs are collected, such officer collecting them shall monthly deposit and pay such funds into the Officers Fee Account of his county. Whenever any officer who is by law charged with the duty of collecting fees, commissions, and costs, either in civil or criminal cases, or otherwise, fails and refuses or wilfully neglects to diligently collect such fees, commissions, and costs, his annual salary shall be chargeable with an amount equal to ten per cent (10%) of such delinquencies, such amount being deducted from his salary, and his official bondsmen shall be liable for the entire amount of such delinquencies occasioned by such officer's failure, refusal, or wilful neglect to collect said fees, commissions, and costs.

COLLIE.

Read.

Motion to Table.

Senator Burns moved to table the substitute.

The motion to table prevailed by the following vote:

Yeas—20.

Beck.	O'neal.
Burns.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.

Nays—6.

Blackert.	Nelson.
Collie.	Poage.
Hill.	Westerfeld.

Absent.

Martin.	Woodruff.
---------	-----------

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	

Senator DeBerry withdrew his pending amendment.

Amend S. B. No. 5, page 3, line 4, by changing the words and figures "ten (10c) cents" to "fourteen (14c) cents."

DeBERRY.

Read and pending.

Senator Nelson sent up the following substitute for the pending amendment:

Amend S. B. No. 5, by striking out the words and figures "ten (10c) cents," line 4, page 3, Section 6, and inserting therefor the following: "twenty (20c) cents."

NELSON.

Read and pending.

On motion of Senator Redditt, S. B. No. 5 was laid on the table subject to call.

House Bill No. 26.

Senator Redditt sent up the committee report on H. B. No. 26.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 26 was put on its second reading by the following vote:

Yeas—28.

Beck.	Hopkins.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Nelson.
Hill.	Oneal.

Pace.	Small.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	

The Chair laid before the Senate:

H. B. No. 26, A bill to be entitled "An Act creating a system of Old Age Assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission, etc., and declaring an emergency."

(With Committee Amendments No. 1 and 2.)

Committee amendments No. 1 and 2 were adopted by viva voce vote.

Senator Sanderford sent up an amendment which was the original S. B. No. 1, except that it provided a 2% general sales tax instead of a 3% sales tax.

By unanimous consent the amendment was not printed in the Journal.

The Sanderford amendment failed of adoption by the following vote:

Yeas—7.

Davis.	Sanderford.
Hopkins.	Stone.
Martin.	Sulak.
Rawlings.	

Nays—19.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Hill.	Shivers.
Hornsby.	Small.
Isbell.	Van Zandt.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	Westerfeld.

The bill was read second time and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 26 was

put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	Westerfeld.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Woodruff.
Moore.	

Nays—4.

Collie.	Sanderford.
Nelson.	Sulak.

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	Westerfeld.

Senate Resolution No. 3.

Senator Martin moved the adoption of the minority report on S. R. No. 3 and spread the motion on the Journal.

Senate Bill No. 5.

Motion to Table.

Senator DeBerry moved to table the substitute amendment by Senator Nelson.

The motion prevailed by viva voce vote.

Motion to Recess.

Senator Van Zandt at 5:30 o'clock p. m. moved that the Senate recess until 10:00 o'clock a. m. Saturday.

Senator Hopkins moved that the Senate recess until 10 o'clock Monday.

The motion to recess until Monday failed by the following vote:

Yeas—6.

Burns.	Moore.
Hopkins.	Rawlings.
Isbell.	Sanderford.

Nays—20.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Small.
Hill.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.	Shivers.
Holbrook.	Westerfeld.
Regan.	

The motion to recess until Saturday morning at 10, lost by the following vote:

Yeas—9.

Cotten.	Pace.
DeBerry.	Stone.
Hill.	Van Zandt.
Martin.	Woodruff.
Oneal.	

Nays—16.

Beck.	Moore.
Blackert.	Neal.
Burns.	Poage.
Collie.	Rawlings.
Davis.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Small.
Isbell.	Sulak.

Present—Not Voting.

Nelson.

Absent—Excused.

Fellbaum.	Shivers.
Holbrook.	Westerfeld.
Regan.	

Senate Bill No. 5.

The question recurred on the adoption of the pending amendment by Senator DeBerry.

The amendment was adopted by viva voce vote.

Recess.

Senator Martin moved to recess until 9:45 Saturday morning.

Senator Sanderford moved to recess until 2:30 o'clock p. m. Saturday.

Motion to Adjourn.

Senator Moore moved that the Senate adjourn until 10 o'clock a. m. Monday.

The motion to adjourn lost by the following vote:

Yeas—7.

Burns.	Rawlings.
Hopkins.	Sanderford.
Isbell.	Stone.
Moore.	

Nays—19.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Small.
Hill.	Sulak.
Hornsby.	Van Zandt.
Martin.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Shivers.
Holbrook.	Westerfeld.
Regan.	

The motion to recess until 2:30 o'clock p. m. lost by the following vote:

Yeas—6.

Burns.	Rawlings.
Hopkins.	Redditt.
Moore.	Sanderford.

Nays—20.

Beck.	Hornsby.
Blackert.	Isbell.
Collie.	Martin.
Cotten.	Neal.
Davis.	Nelson.
DeBerry.	Oneal.
Hill.	Pace.

Poage.	Sulak.
Small.	Van Zandt.
Stone.	Woodruff.

Absent—Excused.

Fellbaum.	Shivers.
Holbrook.	Westerfeld.
Regan.	

Senator Moore moved that the Senate recess until 8 o'clock p. m. tonight.

Recess.

Senator Martin's motion to recess until 9:45 o'clock Saturday prevailed by the following vote:

Yeas—17.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Small.
DeBerry.	Sulak.
Hill.	Van Zandt.
Martin.	Woodruff.
Neal.	

Nays—9.

Burns.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sanderford.
Isbell.	Stone.
Moore.	

Absent—Excused.

Fellbaum.	Shivers.
Holbrook.	Westerfeld.
Regan.	

APPENDIX.**Petitions and Memorials.**

Oglesby, Texas, Oct. 23, 1935.
Members of Texas Senate,
Austin, Texas.

Dear Sirs: I wish to express to each one of you my sincere appreciation for your expression of sympathy to me by resolution and beautiful floral offering which I received. I shall ever remember each of you as my friend and wish for you the best of success in life.

I am getting along fine and hope to be back soon.

Sincerely yours,

EARL HUDDLESTON.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Oct. 25, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 8 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Oct. 25, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 57, A bill to be entitled "An Act fixing the compensation of district attorneys in judicial districts composed of two (2) or more counties, and in judicial districts composed of two (2) or more counties in one of which there is a city containing a population of not less than ninety thousand (90,000) inhabitants according to the last preceding Federal Census; providing such compensation shall include the Five Hundred Dollars (\$500) per year now allowed by the constitution; providing that this Act shall not deprive such district attorneys of their expense allowance; providing for the disposition of fees; commissions and perquisites earned and collected by such district attorneys; providing that nothing in this Act shall affect the laws now in existence with reference to assistant district attorneys, investigators and stenographers, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it pass, and be printed.

PACE, Chairman.

Committee Room,
Austin Texas, Oct. 25, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 8, a bill to be entitled "An Act to amend Section 9, Senate Bill No. 19, Acts, First Called Session, Forty-fourth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Oct. 25, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 26, A bill to be entitled "An Act creating a system of old age assistance in Texas; placing restrictions on the granting of such assistance; creating the office of Commissioner of Old Age Assistance; providing for his appointment; prescribing his term of office, qualifications and duties; fixing his salary; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate, with recommendation that it do pass, with committee amendments Nos. 1 and 2, and be not printed.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 26 by striking out all below the enacting clause, and substitute in lieu thereof the following:

Section 1. Creation of Fund.—There is hereby created a fund to be known and designated as "The Old Age Assistance Fund of the State of Texas" to be created, managed and disbursed as hereinafter set out in this Act.

Sec. 2. To Whom Granted.—Subject to the provisions of this Act, persons who are in necessitous circumstances and who have attained the age of sixty-five (65) years or over shall, while residing in the State of Texas if deserving of assistance, be entitled to aid as hereinafter specified such assistance to be paid shall be only sufficient to provide a reasonable subsistence for the applicant and in no event shall exceed the sum of Fifteen Dollars (\$15.00) per month from the fund hereafter created.

Sec. 3. Old Age Assistance may be given under this Act to any person who:

(1) Has attained the age of sixty-five (65) years or more;

(2) Has income which, when added to the contributions and money, assistance or service from legally responsible relatives or others, is inadequate to provide a reasonable subsistence compatible with decency and health.

The Director may in his discretion, after determining the income of an applicant during the previous year as well as the prospects for income during the year for which application is made, modify the amount to be paid each applicant, and it shall be the duty of the Director to make such adjustment as will assure each person who qualifies under this Act who is deserving and in need of an income to average the maximum assistance per month as herein provided.

(3) Is a bona fide citizen of the United States and the State of Texas;

(4) Has been in actual residence in the State of Texas at least five (5) years during the nine (9) years immediately preceding application for old age assistance and continuously for one (1) year immediately preceding such application.

The terms "residence" and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the words "domicile" and "residence" as used in their broader meaning.

(5) Has an income, if a single person, from any and all sources not exceeding Four Hundred (\$400.00) Dollars per year, or if married, a community income from any and all sources not exceeding Six Hundred (\$600.00) Dollars per year.

(6) No person who has more than Five Hundred (\$500.00) Dollars in cash, on deposit in a bank, in postal savings or otherwise, or if the immediate cash value, as determined by the Director and subject to review by the Board, of his holdings of bonds, stocks, mortgages, other securities or investments, except real estate, exceeds Five Hundred (\$500.00) Dollars shall be eligible for assistance. At the discretion of the Director, however, where such immediate sale, for cash, of such securities or investments necessitates an undue financial sacrifice, the applicant, when in immediate need of assistance, shall assign such securities and investments to the State to be held in trust by the Director to

reimburse the Old Age Assistance Fund for the amount paid from the Old Age Assistance Fund in assistance or other benefits in behalf of said applicant. No person shall be allowed assistance if the claimant has deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age assistance, or if the claimant or the husband or wife conveys or encumbers any real estate or other property owned by him or by either of them for the purpose of preventing the State from reimbursing itself for assistance granted or to be granted hereunder. A sworn statement by both the vendor and vendee of the reasons and/or considerations of any transfer of real and/or personal property within the five years immediately preceding the date of application for old age assistance may be required by the Board or Director to be made in such manner and on such forms as the Director may direct; provided, however, that no sworn statement need be made for any transfer prior to January 1, 1935, unless the Director so directs.

(7) Is not at the time of application an inmate of any public or private home for the aged, or any public home, or any public or private institution of a custodial correctional, or curative character, except in the case of temporary medical or surgical care in a hospital;

(8) Is not an habitual drunkard or an habitual criminal.

Sec. 4. On the death of a person receiving or who has received assistance under this Act or of the survivor of a married couple, both of whom were so assisted, the total amount paid as assistance shall be allowed as a first lien claim against the estate of such deceased, and neither the homestead nor the proceeds shall be exempt from the payment of said claim, any Act or statute to the contrary notwithstanding with the single exception that expenses of the last illness and burial expenses shall be first paid out of the estate, and then the amount paid as assistance shall become a first preferred claim against the estate. The proceeds of such claim shall be paid into the Old Age Assistance Fund. In case of the death of either husband or wife, both of whom have been receiving or have

received assistance under this Act, the estate of deceased shall not be settled or the homestead sold until a surviving spouse shall die or cease to occupy the homestead as such.

In any event the assistance furnished under this Act shall be and constitute a lien on any real estate owned either by the husband or wife for assistance furnished to either of such persons. Whenever an order is made for such assistance to any persons in whom or in whose spouse the title to any real estate is fixed, a copy of such order shall be indexed and recorded in the manner provided for the indexing of real estate mortgages in the office of the County Clerk in the county in which the real estate is situated, and such recording and indexing shall constitute notice of such lien. The County Clerk shall not charge a fee for such recording and indexing. The Director shall release liens accruing under the provision of this section and Act when fully paid and when compromised and settled, or when the estate of which real estate affected by this Act is a part has been probated and the proceeds allowable have been applied on such liens.

Any sums of money collected by the State of Texas or political subdivision thereof from the estate of any recipient of old age assistance under the terms of this Act with respect to old age assistance furnished under this plan shall be divided after the net amount thereof has been determined, and one-half ($\frac{1}{2}$) thereof shall be paid promptly to the United States and be deposited in the United States Treasury, and the remaining amount shall be deposited with the Treasurer of the State of Texas to the credit of the Old Age Assistance Fund herein created.

The Attorney General at the request of the Director shall take the necessary proceedings and represent and advise the Director in respect to any matters arising under this Act.

Sec. 5. Any person who has been granted a certificate of old age assistance and is receiving payments of assistance from the Old Age Assistance Fund may petition the Director to accept an assignment of any assignable death benefits, loan

value or cash surrender value of any life insurance policy, death or funeral benefit of any association, society or organization requiring further payment of premiums or assessments which such person believes he is unable to pay. The Director may accept such assignments if he deems such act advisable and in the best interest of such person and the state; but upon the payment of such death benefit or other sum due under the policy, the Director shall first deduct the amount of the funeral expenses incurred; and second, the amount of the premiums or assignments paid by the Director to keep the insurance or benefit in force; and third, the amount of assistance paid to such person, all of which shall accrue to the Old Age Assistance Fund. The Director shall pay the balance received, if any, as directed by the insured, either to persons or into the Old Age Assistance Fund, as may be the wish of who insured at the time of the assignment.

Sec. 6. Transmittal of Record.—Upon the approval of such application by the County Judge as herein set out, the County Clerk shall transmit said application, together with the approval of the County Judge, to the Director of Division of Public Welfare, at Austin, Texas. A certificate of the Clerk shall accompany said application and order or approval, and said certificate shall set forth all facts necessary to show that said application is authentic and has been duly approved by the County Judge.

Sec. 7. (a). In the event that any application so filed and presented to the County Judge is disapproved and rejected by the County Judge, such applicant shall be entitled to and shall have an opportunity to present his application as an appeal to the Director of Division of Public Welfare, who shall give a full and fair hearing to such applicant, and in the event such Director finds that the County Judge has erred in his conclusions, then such application shall stand approved, and shall be placed under the rolls of those entitled to Old Age Assistance, as hereinafter provided. And the Director of Division of Public Welfare shall have the

power and authority to reject any application certified to him, if in his judgment the County Judge has erred in his approval.

(b) In counties where the officers thereof are paid by fees of office, the County Clerk and County Judge shall be entitled to receive the sum of One (\$1.00) Dollar each, payable out of the Third Class Fund of the County, for his services in filing and docketing said application, and passing thereon, and in transmitting same to the Director, and no other fee shall be charged by said Clerk and Judge for services required herein.

Sec. 8. Receipts, Filing and Approval of Application. Upon receipt of the application, order of approval and certificate, as required in Section 6 of this Act, the Director of Division of Public Welfare shall carefully examine the same and if found to be correct and in compliance with law he shall file the same, approve the application, and place the name of such applicant upon the Roll of those entitled to Old Age Assistance, as provided in this Act. In the event the Director finds that said application is defective in any respect, or fails to meet the requirements of the laws, such application, order of approval and certificate shall be returned to the County Clerk transmitting the same. A letter shall accompany such application, order and certificate, setting forth wherein same fails to meet such requirements, and same shall be subject to amendment and correction. A copy of such letter shall be sent by the Director to the applicant at the address shown in such application.

Sec. 9. Time of Payment.—The payments herein provided for old age assistance shall be made monthly.

Sec. 10. Determination and Allocation.—(a). The amount of money in the Old Age Assistance Fund accumulated as by law provided shall be determined by the Comptroller of Public Accounts and said determination certified by the Comptroller to the Director as of the first day of April, 1936, and as of the first day of each month thereafter. If such amount be sufficient to pay each and every person whose name

appears upon the Roll for old age assistance a sum equal to Fifteen (\$15.00) Dollars per month, a warrant shall be issued to such person for said amount in the manner hereinafter provided. In the event said Fund is insufficient to pay the full sum of Fifteen (\$15.00) Dollars per month, as above set forth, then the amount of money to the credit of said Fund for each month as of the first day of each month thereafter, shall be distributed to the persons whose names appear on said roll on a pro-rata basis.

(b) The rights to payments from said Fund shall be determined either as of January 1, 1936, or of the first day of the month of the placing of the name of the applicant on the Roll, whichever date is the later. Provided, however, that Old Age Assistance payments herein provided for shall date from the making of application therefor, if it shall be shown that on said date the applicant was entitled, under the provisions hereof, to receive said payments.

(c) The Director shall, on the 15th day of March make a report to the Comptroller of the names of all applications granted for the month of January, and on the 15th day of each month thereafter of all applications granted on file the first day of the next succeeding month to the one for which payment has been made, setting forth the name and post office address of each person entitled to assistance under the terms of this Act, together with the amount due to each such person for the month ending on the last day of the preceding month. The list so prepared shall be certified to by the Director and the correctness thereof shall be sworn to by the person who actually supervises the preparation of such list.

(d) Upon receipt of the certified list provided for under paragraph "c" of this Section, the comptroller shall immediately draw warrants on the Treasury of the State of Texas against the Old Age Assistance Fund. When same have been prepared, signed and registered, such warrants shall be delivered by the Comptroller to the Director, who shall verify the same, and mail the warrants to the respective payees at the

address disclosed by the records in the office of the Director.

Sec. 11. Incompetence of Claimant.—If it shall come to the attention of the Director, upon the testimony of credible or reputable witness or witnesses, that any person receiving Assistance is incompetent to take care of himself, or his money, the Director may direct the payment of such installment to be made to any responsible person or corporation, for his benefit, provided the persons or corporation to whom such payment is made shall be designated with the advice and consent of the County Judge of the County in which such incompetent person may reside.

Sec. 12. If, at any time, the Director, or his assistants, shall have reason to believe, by reason of complaint or otherwise, that old age assistance has been improperly granted, he shall cause an investigation to be made, and if it appears, or if the Director has reason to believe as a result of such investigation that the assistance was improperly granted, all payments shall temporarily cease. Such person so receiving assistance which has been the subject of an investigation, as herein provided, shall be given notice of the temporary suspension of payments, and shall be given an opportunity to show cause why same should not be permanently discontinued. If, upon hearing, the Director shall conclude that aid was improperly granted to such person, future payments shall be forfeited and the name of such person shall be stricken from the Roll by the Director.

Sec. 13. Assistance Payments not Subject to Debts.—Assistance payments under this Act shall not be assignable, and shall not be subject to garnishment or any other legal writ.

Sec. 14. Fraud in Procuring.—Any person who, by means of any wilfully false statement, representation, or by impersonation, or other fraudulent device, obtains or attempts to obtain, or any person who aids and abets any person to obtain assistance to which he is not entitled, shall be guilty of a felony, and on conviction shall be confined in the State Penitentiary for a term

of not less than two nor more than five years.

Sec. 15. Any person convicted of the offense defined under Section 14 of this Act shall be perpetually barred from participating in any future disbursement of the funds herein created.

Sec. 16. State-wide Application.—This Act shall be a General Law, and shall apply alike to each and every political subdivision of this State.

Sec. 17. State Shall Participate. The State shall financially participate in the raising of the Fund as herein provided.

Sec. 18. Administration.—This law for old age assistance shall be administered by the Board of Control through the Director of the Division of Public Welfare, who shall administer this law and supervise its enforcement.

Sec. 19. Reports to Social Security Board.—It shall be the duty of the Director to make such reports as shall be required by the Social Security Board of the United States, same to be in such form and contain such information as said Board may from time to time require; and said Director shall, from time to time, comply with such requirements as may be made by said Board not inconsistent with this Act as said Board may find necessary to insure correctness and verification of the reports made to such Board.

Sec. 20. Disposition of Estate Taxes.—Any sums of money collected by the State of Texas, or political subdivision thereof, from the estate of any recipient of old age assistance under the terms of this Act with respect to old age assistance furnished under this plan shall be divided after the net amount thereof has been determined, and one-half thereof shall be paid promptly to the United States, and be deposited in the United States Treasury, the remaining amount shall be deposited with the Treasurer of the State of Texas, to the credit of the Old Age Assistance Fund herein created.

Sec. 21. Acceptance of Federal Aid.—The State of Texas hereby accepts the provisions and benefits of the "Social Security Act" enacted by the Congress of the United States, and the Director of the Division of Public Welfare shall be and he is hereby authorized to accept such

grants of Federal Funds for the purpose of this Act as shall be granted to the State of Texas by the Federal Government and/or the Congress of the United States.

Sec. 22. Federal grants to be in addition to the funds herein granted.—The payments herein made under the terms and limitations set forth in this Act shall not be dependent upon any grant made to the State of Texas by the Federal Government for old age assistance under the Social Securities Act, but same shall be in addition and supplemental to such grants. The Director shall administer such Federal Grants, if any, allotted to the State of Texas by reason of this Act under such rules and regulations as the Social Security Board may promulgate, and in conformity with this Act.

Sec. 23. The Board of Control shall administer this law through an additional Division thereof, to be known as the Division of Public Welfare of the Board of Control.

Sec. 24. The Board of Control shall appoint a Director of the Division of Public Welfare.

Sec. 25. Term of Office.—The term of office of such Director shall commence on January 1, 1936, and expire on December 31, 1937. The Board of Control shall make appointment of a successor immediately each succeeding two years, or to fill any vacancy that may arise in said office.

Sec. 26. Oath and Bond.—Within ten days after notice of his appointment, and before assuming the duties of his office, said Director shall take the oath of office provided by the Constitution of this State, and shall give bond payable to the State of Texas in the sum of Ten Thousand Dollars (\$10,000.00), to be approved by the Board of Control. Said bond shall be made by a Surety Company, as surety, and be conditioned upon the faithful discharge of duty. The premium upon said bond shall be paid out of the Old Age Assistance Fund herein created, upon warrants drawn by the Comptroller upon the Treasury, upon the order of the Board of Control. The bond shall be approved by the Attorney General as to form, and the Sure Company shall be approved by the State Auditor as to solvency.

Sec. 27. Qualifications.—Such Director shall be not less than thirty-

five (35) years of age at the date of his appointment. He shall be a resident citizen of the State of Texas and shall have resided within the State for at least ten (10) years consecutively next preceding the date of his appointment, and he shall not be the occupant of any State office at the time of his appointment, nor have occupied any State office during the six (6) months next preceding the date of said appointment.

Sec. 28. Compensation of Director.—The Director shall receive as compensation the sum of Four Thousand Eight Hundred Dollars (\$4,800.00) per annum, payable in twelve (12) equal installments. The salary and compensation of the Director, his deputies and assistants, as well as necessary traveling and other expenses, shall be paid from the Fund hereby created, but in no event shall the total expense of the administration of this law exceed one (1%) per centum of the fund so administered by the Director for the purpose of old age assistance.

Sec. 29. Deputy Director.—The Director may appoint a competent Deputy Director to be known and designated as "Chief Deputy Director," who shall possess all the powers and perform all the duties attached by law to the office of Director during the necessary or unavoidable absence of the Director, or his inability from any cause to act. The Deputy Director shall possess all the qualifications of the Director.

The Director shall be responsible for the acts of his Chief Deputy who shall, before entering upon the duties of position, take the oath required of the Director. He shall also be required by the Director to enter into bond, with security payable to the Director, conditioned on the faithful performance of the duties of his office. The amount of the bond so furnished shall be determined by the Director and the premium therefor shall be paid as an expense of administering this law.

Sec. 30. Compensation of Chief Deputy Director.—The Chief Deputy Director shall receive as compensation the sum of Four Thousand Dollars (\$4,000.00) per annum, payable in the same manner as the compensation for the Director.

Sec. 31. Other Employees.—The Director shall have the authority to appoint such other deputies, as-

sistants, and clerical employees as may be necessary under the provisions of this Act, and within the discretion of such Director. He may require such bonds of his employees provided by statute as will insure the faithful discharge of their respective duties. The Director shall be responsible for all of the acts of each of his employees in the manner as he is responsible for the acts of his Chief Deputy.

Sec. 32. Compensation of Employees.—The compensation to be paid to the employees in the Director's office shall be set by the Director, subject to the following limitations:

(a) No Deputy Director, except the Chief Deputy, shall receive a salary in excess of Three Thousand Dollars (\$3,000.00) per year, and only three such deputies shall receive as much as Three Thousand Dollars (\$3,000), within the discretion of the Director. All other deputies, if same are necessary for the adequate administration of this law, shall receive a salary to be set by the Director not to exceed Twenty-four Hundred Dollars (\$2,400.00) per year, and clerks not to exceed Twelve Hundred Dollars (\$1,200.00) a year, and stenographers not to exceed Fifteen Hundred Dollars (\$1,500.00) a years.

Sec. 33. Reports of the Director.—The Director, within ninety (90) days after the close of each fiscal year, shall make a report to the Board of Control and the Legislature for the preceding year, setting out the following:

1. The name and position of each employee, and the salary paid to such employee.
2. The total number of persons receiving old age assistance under the terms of this Act.
3. The amount paid per person during the year.
4. The total number of applications for assistance received.
5. The total number of applications granted.
6. The total number of applications denied.
7. The total number cancelled during the year.
8. The amount of money allocated to the individual under the terms of this Act for each month of the year preceding.

9. Any other pertinent information applicable to the administration of this law which, in the opinion of the Director, should receive the attention of the Board of Control and the Legislature.

10. The Director is empowered to make such rules and regulations as he may deem best for the purpose of properly identifying all applicants for old age assistance, including finger-printing, at the time of making said application.

11. Said report shall also contain the recommendations of the Director as to such changes and amendments as should be made in this law.

Sec. 34. The Director and Comptroller shall have the authority to prepare such forms as may be necessary for the administration of this Act, and to promulgate rules and regulations, not inconsistent with the provisions hereof for the purpose of placing same into effect.

Sec. 35. Each Section of this Act, and each subsection, sentence, clause and phrase is hereby declared to be independently operative, and if any section, subsection, sentence, clause or phrase of this Act shall be declared invalid by any court of competent jurisdiction, it shall not affect or invalidate the remainder of this Act.

Sec. 36. The fact that the citizens of Texas by their recent overwhelming vote have expressed their desire to give the citizens of this State past the age of sixty-five (65) years the assistance herein grated, and the further fact that there are many citizens who are over the age of sixty-five (65) years and who are unemployed and do not have sufficient funds to buy the actual necessities of life, and they are in actual need at this time, creates an emergency and an imperative public necessity, demanding the suspension of the constitutional rule requiring bills to be read on three separate days in each House, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend H. B. No. 26 by striking out all above the enacting clause, and substitute in lieu thereof the following:

An Act creating a fund for old age assistance; creating a Division of Public Welfare as a part of the Board of Control; granting old age assistance to resident citizens of the State of Texas over the age of 65 years and prescribing the qualifications prerequisite to such Assistance; prescribing the requirements of applications therefor; providing for a hearing upon such application, the approval thereof and the placing of the name of the applicant upon the Old Age Assistance Rolls; prescribing the time of payment of such assistance; how the amount thereof may be determined and the method in which the fund shall be allocated; providing for the administration of the fund to incompetent claimants; providing for the discontinuance of old age assistance where improperly granted; providing that such payments shall not be subject to debts, and making it an offense to obtain such assistance by false statements, etc., and prescribing penalty therefor; providing that said Act shall be a General Law; that the State shall financially participate in the plan and that the plan shall be administered by the Board of Control through the Director of the Division of Public Welfare; providing that the Director shall make reports to the Social Security Board of the United States, and providing that any sums of money collected as an estate tax shall be equally divided between the United States and the State of Texas; providing that the State of Texas accepts the provisions of the Social Securities Act; providing that Federal grants shall be in addition to the grants herein made; creating the Division of Public Welfare as a part of the Board of Control; providing for the appointment of a Director, term of office, oath, bond, qualifications, salary and compensation, and providing how a vacancy in office shall be filled; providing for the office of deputy Director and other employees in the office of the Director; prescribing the qualifications and compensation; providing for reports of the Director; granting

to the Director the authority to prepare forms for the administration of the Act, and to promulgate rules and regulations; prescribing that each section of this Act and each subsection, sentence, clause and phrase is hereby declared to be independently operative, and declaring an emergency.

(Majority Report.)

Committee Room,
Austin, Texas, Oct. 25, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred S. R. No. 3,

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

REDDITT, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Oct. 25, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, a minority of the Finance Committee, in the vote on S. R. No. 3, beg leave to report that we recommend that S. R. No. 3 be passed, and be not printed.

MARTIN,
SANDERFORD,
SULAK,
STONE.

Minutes of Committee Meeting.

Minutes of Senate Finance Committee, Held Oct. 25, 1935.

Regular Meeting.

Present: Redditt, Beck, Hill, Hornsby, Isbell, Martin, Neal, Nelson, Oneal, Poage, Rawlings, Sanderford, Small, Stone, Sulak and Van Zandt.

Absent—Excused: Burns, Holbrook, Hopkins, Regan and Woodruff.

H. B. No. 26 was reported favorably with committee amendments, and ordered not printed.

REDDITT, Chairman.

SIXTH DAY, (Cont'd.)

Senate Chamber,
Austin, Texas.
October 26, 1935.

The Senate met at 9:45 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Point of No Quorum.

Senator Rawlings raised a point of no quorum.

The Chair requested the Secretary to call the roll.

The roll call developed a quorum present.

Senate Bill No. 5.

Pending business was S. B. No. 5.

Senator Oneal sent up the following amendment:

Amend S. B. No. 5 by striking out of Section 13, beginning in line 2, page 6, of the printed bill, the following words: "and all county attorneys in counties having no district attorney."

ONEAL.

Read.

Senator Van Zandt sent up the following substitute:

Amend S. B. No. 5, Section 13, by adding after the words "payment thereof" in line 6, page 6, the following:

"Provided that the salary of county attorneys in counties where there is no district attorney may be augmented by the commissioners' court of such counties to an amount not in excess of one-third of the amount paid by the State, out of the general funds of such counties and provided further that the salaries of and criminal district attorneys in this State serving only one county where there is no county attorney, may be augmented by the commissioner's court of such counties in a sum not in excess of one-fourth of the amount to be paid by the State out of the general fund of such counties."

VAN ZANDT.

Read.

By unanimous consent the pending amendment by Senator Oneal and the substitute by Senator Van Zandt were laid on the table subject to call.

Amend S. B. No. 5, page 2, by striking out Section 5 and substitute in lieu thereof the following:

"It shall be the duty of all officers to charge and collect in the manner authorized by law all fees and commissions which are permitted by law to be assessed and collected for all official service performed by them. As and when such fees are collected they shall be deposited in the Officers' Salary Fund. Uncollected fees and commissions shall remain a charge against the officer charged with the duty of collecting same until he shall be discharged from liability thereon by the commissioners' court in the manner prescribed by law for the discharge of the collector of taxes for items of unpaid taxes as shown by his annual report to said court; provided however, that such discharge by the commissioners' court will not relieve any such officer from the performance of any official duty in connection with the collection of any such fees and commissions; and provided further, that in event the commissioners' court finds that the failure to collect any fee or commission was due to neglect on the part of the officer charged with the responsibility of collecting same, then in this event the part of such fee or commission not collected by reasonable neglect shall be deducted from the salary of such officer. Before any deduction is made from salary of any officer by reason of the conditions above specified, the commissioners' court shall furnish such officer with an itemized statement of the uncollected fees with which his account is to be charged, and shall notify such officer of the time and place for a hearing on same, to determine whether such officer was guilty of negligence, which time for hearing shall be at least ten days subsequent to the date of notice. Unless an officer is charged by law with the responsibility of collecting fees, the commissioners' court shall not in any event make any deductions from the authorized salary of such officer."

SMALL.

Read and adopted.

Amend S. B. No. 5 by adding a new Section following Section 20 to

be known as Section 20a, to read as follows:

"Sec. 20a. It shall be unlawful for constables and/or their deputies to assess, collect or receive fees for making arrest in misdemeanor criminal cases wherein the defendant is charged with violating a law or laws regulating the use of the public highways."

RAWLINGS.

Read.

Motion to Table.

Senator DeBerry moved to table the Rawlings amendment.

The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Moore.
Blackert.	Neal.
Collie.	Nelson.
Cotten.	Oneal.
DeBerry.	Pace.
Hornsby.	Van Zandt.
Isbell.	Woodruff.
Martin.	

Nays 8.

Burns.	Rawlings.
Davis.	Sanderford.
Hill.	Stone.
Hopkins.	Sulak.

Absent.

Poage.	Shivers.
Redditt.	Small.

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	Westerfeld.

Amend S. B. No. 5, Sections 13 and 14 by striking out all provisions wherein it applies to district attorneys wherein two or more counties are in the judicial district.

BURNS.

Read.

Substitute for the amendment by Senator Burns:

Amend S. B. No. 5 by striking out all of Sections 13 and 14 and on page 6, Section 15, line 48 by striking out the following words: "other than county attorneys performing the duties of district attorneys."

SMALL,
DAVIS.

Read and pending.

S. C. R. No. 4.

Senator Rawlings received unanimous consent to suspend the regular order of business and sent up the following resolution:

By Rawlings. S. C. R. No. 4.

A CONCURRENT RESOLUTION

Authorizing the depositors of the insolvent Texas National Bank, of Fort Worth, Texas, or its receiver, to sue the State of Texas to recover an alleged unlawful preference granted to the State of Texas and claimed to be in violation of the National Banking Act.

Whereas The Texas National Bank, of Fort Worth, Texas, a national banking corporation, was suspended by the Comptroller on or about January 30, 1930, and is now being liquidated, and prior to such suspension its officers had deposited with the State Treasurer assets of said bank, consisting of \$15,000.00 of United States Treasury Certificates and \$125,000.00 par value Federal Farm Loan Bonds, as collateral to secure the moneys deposited in said bank belonging to the State of Texas, which deposit of moneys at the time of the closing of said bank amounted to the sum of \$69,524.22, and after the closing of said bank, the receiver thereof, in order to recover said assets, paid to the State of Texas said sum of money in full, which payment the depositors in said bank have contended was an unlawful preference granted the State of Texas in violation of the National Banking Act; and

Whereas Said depositors now claim that the Supreme Court of the United States has held in a similar case that such deposit of securities to secure the deposit of public moneys was void and violative of the National Banking Act, and that the moneys so paid to the State of Texas are claimed to rightfully belong to said bank for ratable distribution among all depositors alike; and

Whereas Said disputed claim should be in law judicially determined, and the depositors claiming said sum adversely to the State of Texas given the right to have a judicial determination.

Be It Resolved by the Senate of Texas, the House of Representatives

concurring, that the consent and permission of the State of Texas be and the same are hereby granted to the said depositors of said bank, and to the receiver of said bank, to institute and prosecute in a court of competent jurisdiction an action or suit to recover the money so claimed to have been unlawfully paid to the State of Texas.

Referred to the Committee on State Affairs.

Senators Excused.

Senator Holbrook was excused on account of a death in his family on motion of Senator Shivers.

Senator Regan was excused on account of important business on motion of Senator Rawlings.

Motions to Recess.

Senator Moore at 11:20 o'clock a. m. moved that the Senate recess until 2:30 o'clock p. m.

Objections were heard.

Senator Pace moved that the Senate recess until 10 o'clock a. m. Monday.

Senator Pace withdrew his motion.

Senate Bill No. 5.

The pending substitute was adopted by the following vote:

Yeas—22.

Beck.	Neal.
Blackert.	Nelson.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Hill.	Redditt.
Hornsby.	Sanderford.
Isbell.	Shivers.
Martin.	Van Zandt.
Moore.	Woodruff.

Nays—3.

Burns.	Sulak.
Stone.	

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	Small.
Hopkins.	Westerfeld.

The amendment as substituted was adopted by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on adoption of the amendment as substituted.

Amend S. B. No. 5 by striking out Section 15 and inserting in lieu thereof the following:

Sec. 15. The Commissioners' Court in counties having a population of 20,000 inhabitants or more, according to the last preceding Federal Census, is hereby authorized and it shall be its duty to fix the salaries of all the following named officers, to-wit: Sheriff, Assessor and Collector of Taxes, County Judge, County Attorney, District Clerk, County Clerk, Treasurer, their deputies, assistants and clerks. Each of said officers and their deputies, assistants and clerks shall be paid in money in annual salary in twelve equal installments of not less than the total sum received as compensation by him in his official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under general and special laws existing on August 24, 1935; provided that in counties having a population of 20,000 and less than 37,500, according to the last preceding Federal Census, and with a property valuation in excess of \$15,000,000.00 the maximum amount allowed such officers as salaries, is hereby increased 1% for each \$1,000,000.00 valuation, or fractional part thereof, in excess of said \$15,000,000.00 valuation over and above the maximum amount allowed such officers under general and special laws existing on August 24, 1935; and provided that in counties having a population of 37,500 and less than 60,000, according to the last preceding Federal Census, and with a property valuation in excess of \$20,000,000.00, the maximum amount allowed such officers as salaries, is hereby increased 1% for each \$1,000,000.00 valuation, or fractional part thereof, in excess of said \$20,000,000.00 valuation over and above the maximum amount allowed such officer under general and special laws existing on August 24, 1935.

DAVIS.

Read and adopted by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on adoption of the amendment.

Amend S. B. No. 5 by striking out Section 17 and inserting in lieu thereof the following:

Sec. 17. The Commissioners' Court in counties having a population of 20,000 inhabitants, or less, according to the last preceding Federal Census at the first regular meeting in January of each calendar year, may pass an order providing for compensation of all county and precinct officers, on a salary basis, and in the event said Court passes such order, they shall pay unto each of said officers or deputies, assistants and clerks in money an annual salary in twelve equal installments of not less than the total sum received as compensation by said officer, deputy, assistant and clerk in his said official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under existing general and special laws; provided that in counties having a population of 20,000 inhabitants, or less, according to the last preceding Federal Census, and with a property valuation in excess of \$10,000,000.00, the maximum amount allowed such officers as salaries, is hereby increased 1% for each \$1,000,000.00 valuation, or fractional part thereof, in excess of said \$10,000,000.00 valuation over and above the maximum amount allowed such officers under general and special laws existing on August 24, 1935.

DAVIS.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on adoption of the amendment.

Amend S. B. No. 5 by striking out Section 16 thereof.

DAVIS.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on the amendment.

Motion to Recess.

Senator Pace at 11:30 o'clock a. m. moved that the Senate recess until 10 o'clock a. m. Monday.

The motion lost by the following vote:

Yeas—11.

Burns.	Pace.
Cotten.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Van Zandt.
Neal.	

Nays—13.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Poage.
Davis.	Rawlings.
Hill.	Sulak.
Martin.	Woodruff.
Moore.	

Present—Not Voting.

DeBerry.	Stone.
----------	--------

Absent—Excused.

Fellbaum.	Small.
Holbrook.	Westerfeld
Regan.	

Senator Hill moved that the Senate recess until 2 o'clock p. m. today.

Senator Hill withdrew his motion.

Senator Stone moved that the Senate recess until 9:45 o'clock a. m. Monday.

Senator Hill renewed his motion to recess until 2 o'clock p. m. today.

The motion by Senator Stone prevailed by viva voce vote at 11:35 o'clock a. m.

SIXTH DAY (Continued).

Senate Chamber,
Austin, Texas,
October 28, 1935.

The Senate met at 9:45 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Bill No. 5.

Pending business was S. B. No. 5.

Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which the following Davis amendment was adopted: